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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/734,665	12/13/2000	Dennis Mraz	18155.0006	4678

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EXAMINER

KRECK, JOHN J

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 04/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/734,665

Applicant(s)

MRAZ, DENNIS

Examiner

John Kreck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 25 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 17-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4. 6) ☐ Other:

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### DETAILED ACTION

1. Applicant's election of group I, claims 1-16 in Paper No. 6 is acknowledged.

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 17-40 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 calls for "A method of advancing a mining machine including an advancing machine". This is indefinite because it is not clear whether the advancing machine is a part of the mining machine. It is suggested that this claim should be amended in a manner similar to claim 4, in order to specify that the advancing machine is attached to, but not a part of, the advancing machine.

Claim 7 is unclear for the same reason.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 5, 10, 11, 12, 13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by SU 612018.

The SU 612018 reference teaches the method of advancing a mining machine (near the right side of figure 1) comprising bracing the advancing machine (3, braced using props 4); moving the mining machine away from the advancing machine; releasing the advancing machine; and moving the advancing machine toward the mining machine as called for in claim 1.

The SU 612018 reference also teaches the bracing between roof and floor as called for in claim 2.

The SU 612018 reference teaches the method of steering a mining machine having as plurality of sides and having an advancing machine connected comprising bracing the advancing machine; and increasing a distance between the advancing machine and the mining machine by different amounts on two of the sides as called for in claim 4.

The SU 612018 reference also teaches the bracing between roof and floor as called for in claim 5.

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The SU 612018 reference teaches the apparatus for advancing and steering a mining machine comprising an advancing machine ((3); a brace (4) coupled to the advancing machine; and an extender (2) coupled between the advancing machine and the mining machine as called for in claim 10.

The SU 612018 reference also teaches second extender as called for in claim 11.

The SU 612018 reference also teaches the hydraulic cylinder as called for in claim 12.

The SU 612018 reference also teaches the hydraulic cylinder as called for in claim 13.

The SU 612018 reference also teaches the bracing between roof and floor as called for in claim 15.

5. Claims 1, 3, 4, 6, 10, 11, 12, 13, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by SU 477240.

The SU 477240 reference teaches the method of advancing a mining machine comprising bracing the advancing machine; moving the mining machine away from the advancing machine; releasing the advancing machine; and moving the advancing machine toward the mining machine as called for in claim 1.

The SU 477240 reference also teaches the bracing between walls as called for in claim 3.

The SU 477240 reference teaches the method of steering a mining machine having as plurality of sides and having an advancing machine connected comprising

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bracing the advancing machine; and increasing a distance between the advancing machine and the mining machine by different amounts on two of the sides as called for in claim 4.

The SU 477240 reference also teaches the bracing between walls as called for in claim 6.

The SU 477240 reference teaches the apparatus for advancing and steering a mining machine comprising an advancing machine; a brace coupled to the advancing machine; and an extender coupled between the advancing machine and the mining machine as called for in claim 10.

The SU 477240 reference also teaches second extender as called for in claim 11.

The SU 477240 reference also teaches the hydraulic cylinder as called for in claim 12.

The SU 477240 reference also teaches the hydraulic cylinder as called for in claim 13.

The SU 477240 reference also teaches the bracing between walls as called for in claim 16.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU 612018.

The SU 612018 reference teaches the method of advancing a mining machine, but fails to explicitly teach the method of retrieving the mining machine. It is noted that the claimed steps in the retrieving method are substantially the reverse of the advancing steps. It is well known and old in the mining industry to reverse mining machines from mine entries. This is often done to repair damaged equipment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method taught by SU 612018 to have included the steps of bracing the advancing machine, moving the mining machine toward the mining machine, releasing the advancing machine, and moving the advancing machine away from the mining machine as called for in claim 7, in order to repair damaged equipment.

The SU 612018 reference also teaches the bracing between roof and floor as called for in claim 8.

7. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over SU 477240.

The SU 477240 reference teaches the method of advancing a mining machine, but fails to explicitly teach the method of retrieving the mining machine. It is noted that the claimed steps in the retrieving method are substantially the reverse of the advancing steps. It is well known and old in the mining industry to reverse mining machines from

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mine entries. This is often done to repair damaged equipment. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method taught by SU 477240 to have included the steps of bracing the advancing machine, moving the mining machine toward the mining machine, releasing the advancing machine, and moving the advancing machine away from the mining machine as called for in claim 7, in order to repair damaged equipment.

The SU 477240 reference also teaches the bracing between walls as called for in claim 9.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over SU 612018 in view of Weimer (U.S. Patent number 4,192,551).

The SU 612018 reference teaches all off the limitations of claim 10, from which claim 14 depends. The SU 621018 reference fails to teach the extender comprising electrical actuators. It is well known in the mining industry to use electrical actuators (such as valves) with similar hydraulic extenders. This is done in order to allow the machine to be remote controlled, for instance, as shown by Weimer (see figure 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the SU 612018 device to have included electrical actuators, as called for in claim 14, and as taught by Weimer, in order to allow the device to be remotely controlled.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Justice, et al. (U.S. Patent number 4,239,289) shows a similar



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advancing system. SU 1420178; DE3722625; SU 705107; and SU 488008 show similar systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is (703)308-2725. The examiner can normally be reached on 6:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703)308-2978. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3597 for regular communications and (703)305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-4177.

JJK  
March 28, 2002

  
DAVID BAGNELL  
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TECHNOLOGY CENTER 3600